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April 10, 2003

FILE: 4100.002000

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Date

Shelley P.M. Fussey

Assistant Commissioner for Patents  
Washington, DC 20231

RE: *U.S. Application Serial No. 09/442,542; "Sustained DNA Delivery from Structural Matrices"; Shea, Bonadio, Mooney and Peters; (Client Reference: UM 1522P1)*

Sir:

Enclosed for filing in the above-referenced patent application is a Supplemental Information Disclosure Statement, PTO-Form 1449 and copy of reference A35.

No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Assistant Commissioner is hereby authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4100.002000.

**WILLIAMS, MORGAN & AMERSON, P.C.**

Assistant Commissioner for Patents

April 10, 2003

Page 2

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23720

PATENT TRADEMARK OFFICE

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'SPF' or similar, written in a cursive style.

Shelley P.M. Fussey  
Reg. No. 39,458

Encls.



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April 10, 2003

Date

Shelley P. M. Fussey

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shea, Bonadio, Peters and Mooney

Group Art Unit: 1636

Serial No.: 09/442,542

Examiner: Kaushal, S.

Filed: November 18, 1999

Atty. Dkt. No.: 4100.002000

For: SUSTAINED DNA DELIVERY FROM  
STRUCTURAL MATRICES

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the document listed on attached Form PTO-1449 be considered by the Examiner and made of record in the present case. A copy of the listed document required by 37 C.F.R. § 1.98(a)(2) is enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

First and second non-final Official Actions on the merits have been received in the present application. However, this Supplemental Information Disclosure Statement is being filed prior to the mailing of a final Official Action, notice of allowance or an Action that closes prosecution, and is timely filed in accordance with 37 C.F.R. § 1.97(c) without a fee in light of the following information.

In accordance with 37 C.F.R. § 1.97(e)(2), it is hereby certified that the document listed in the accompanying Form PTO-1449 was not cited in a communication from a foreign patent office in a counterpart foreign application. This patent issued on April 01, 2003, and could not have been submitted prior to that date. As the application from which the patent issued has been disclosed to the Office, the patent is believed to be cumulative over the co-pending application of record.

No fees should be due in connection with the filing of this Supplemental Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Examiner should contact the undersigned representative to discuss deduction from Williams, Morgan & Amerson, P.C., Deposit Account No. 50-0786/4100.002000.

Respectfully submitted,



23720

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Date: April 10, 2003

Shelley P.M. Fussey  
Reg. No. 39,458  
Agent for Applicants

Form PTO-1449 (modified)

Atty. Docket No.  
4100.002000Serial No.  
09/442,542

List of Patents and Publications for Applicant's

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicants  
Lonnie D. Shea, Jeffery Bonadio, David J. Mooney  
and Martin C. PetersFiling Date:  
November 18, 1999Group:  
1633U.S. Patent Documents  
*See Page 1*Foreign Patent Documents  
*See Page*Other Art  
*See Page*

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A35	6,541,022	April 01, 2003	Murphy <i>et al.</i>	424	422	

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT